

**Subject:** Fwd: Pot Patients Challenge LA Ordinance on Environmental Grounds  
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**Date:** 09/08/2011 10:40 AM  
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fyi

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From: **Arturo Pina** <[arturo.pina@lacity.org](mailto:arturo.pina@lacity.org)>  
Date: Thu, Sep 8, 2011 at 7:52 AM  
Subject: Pot Patients Challenge LA Ordinance on Environmental Grounds  
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From the Venice Patch...

The Union of Medical Marijuana Patients says it is challenging a city ordinance regulating the location and operation of pot dispensaries on the grounds that an environmental impact report has not been created.

September 7, 2011

A group devoted to the rights of medical marijuana patients announced Wednesday that it has filed a legal challenge to a Los Angeles ordinance regulating pot dispensaries on the grounds that an environmental impact report was not created.

"The City Attorney pushed an ordinance through the City Council in January 2010 that was so full of contradictions and legally questionable rules that a judge placed a hold on its implementation, and it has since then had to be frequently amended in an effort to survive 57 lawsuits, which should be decided by the end of this month," said James Shaw, director of the Union of Medical Marijuana Patients in a statemet. "No one, however, has recognized that the ordinance cannot be implemented at all until an EIR is prepared, as required by the California Environmental Quality Act, or CEQA, on the impact of reducing the number of medical cannabis locations from 400 to 100 and then forcing most of the 100 to move."

The group is challenging a 2010 city ordinance designed to lower the number of pot dispensaries in the city from hundreds down to 100. The ordinance was put on hold in December by Superior Court Judge Anthony J. Mohr, who ruled that the ordinance's procedures were unconstitutional.

The ordinance has since been revised by City Attorney Carmen Trutanich's office, which is appealing the ruling.

The City Attorney's office declined to comment. Spokesman Frank Mateljan said attorneys had not had enough time to review the lawsuit.

"The city's argument that the CEQA only applies to development projects and not administrative changes is incorrect," the union's attorney, Jamie Hall, said in a statement. "The city is compelled to consider the results of this dramatic change to the neighborhoods of the surviving patient associations or collectives."

For example, there could be increases in traffic, parking, noise and air and water pollution at the remaining dispensaries, Hall said.

Trutanich has been defending the city from dozens of lawsuits against the medical marijuana ordinance, yet more continue to open.

The ordinance's limbo status and the deluge of new pot shops has frustrated local leaders. For example, the Neighborhood Council of Westchester/Playa at its Tuesday night meeting approved sending a letter to City Councilman Bill Rosendahl asking for an investigation into the Green Street Wellness Center medical marijuana facility in Westchester. The city's ordinance prohibits pot shops within a 1,000-foot radius of a school and the Green Street Wellness Center is in violation, the letter said.

Gov. Jerry Brown last week signed into law AB1300, a bill that gives Los Angeles and other local entities the ability to regulate the location, operation and registration of marijuana dispensaries.

It remains to be seen, however, if the new law will help staunch the tide of new dispensaries.

In an Aug. 16 letter to Rosendahl about Green Street Wellness Center, Assistant City Attorney Asha Greenberg underscored the difficulty of regulating dispensaries. Greenberg's letter said that the City Attorney's Office was "doing our best with available resources to address these violations as expeditiously and efficiently as possible. We will advise you as soon as we are able to take any action against this particular shop."

--City News Service contributed to this report.

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